

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America

v.

Jose Rigoberto Frausto-Diaz

Case No: 8:09cr3

USM No: 22710-047

Date of Original Judgment: 10/06/2009

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

Michael J. Hansen

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

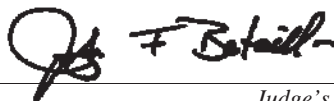
☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 180 months months is reduced to 168 months.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 10/06/2009 shall remain in effect.

IT IS SO ORDERED.

Order Date: 09/17/2015



Judge's signature

Effective Date: 11/02/2015

(if different from order date)

Joseph F. Batillon, Senior United States District Judge

Printed name and title

**This page contains information that should not be filed in court unless under seal.**  
*(Not for Public Disclosure)*

Jose Rigoberto Frausto-Diaz

DEFENDANT: \_\_\_\_\_

CASE NUMBER: 8:09cr3

DISTRICT: District of Nebraska

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: 37

Amended Total Offense Level: 35

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 210 to 262 months Amended Guideline Range: 168 to 210 months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. ADDITIONAL COMMENTS**

Sentenced reduced pursuant to joint stipulation of the parties, Filing No. 273. The defendant's sentence is reduced by 12 months.